

HOUSE BILL NO. 789

INTRODUCED BY R. MAEDJE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING RESTRICTIONS ON FISHING METHODS APPLICABLE TO LAKE KOOCANUSA BY ALLOWING THE USE OF A SECOND ROD FOR SALMON FISHING; PROVIDING THAT THE FISH, WILDLIFE, AND PARKS COMMISSION MAY CHARGE A \$20 FEE FOR A SECOND ROD AND DIRECTING FEE REVENUE TO THE MANAGEMENT OF BULL TROUT TO ENABLE DELISTING IN THE KOOTENAI RIVER; AMENDING SECTION 87-3-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-3-204, MCA, is amended to read:

"87-3-204. Restrictions on fishing methods -- allowed fishing methods. (1) A game fish may not be caught, captured, or taken or attempted to be caught, captured, or taken by the aid or with the use of any gun or trap, nor may any gun, trap, or other device to entrap game fish be used, made, or set.

(2) Except when specifically authorized by law or commission rule, a person may not:

(a) take or catch fish in any of the waters of this state, except with hook and line held in hand or line and hook attached to rod or pole held in hand or within immediate control;

(b) take or catch fish with hook baited with any poisonous substance or using any poisonous substance, including fish berries; or

(c) take or catch fish using fishtraps, grabhooks, seines, nets, spears, gigs, or other similar means for catching fish.

(3) (a) The commission may designate waters within the state in which rubber or spring-propelled spears employed by persons swimming or submerged in the water or traps, seines, nets, spears, or gigs may be used for taking:

(i) nongame fish; or

(ii) walleyed pike, sauger, northern pike, burbot (ling), and whitefish.

(b) The commission may adopt rules for the taking of fish under this subsection (3), and the rules may be specific to the water designated. The designated waters may be closed at the discretion of the commission.

(c) Except when the taking of game fish is authorized pursuant to subsection (3)(a)(ii), all game fish captured while fishing as authorized under this subsection (3) must be returned uninjured to the waters from which they were taken.

(4) The commission may designate certain waters where setlines may be used to fish for certain species of game or nongame fish, and the commission may designate the number of hooks and lines and the length of line or lines that may be used as setlines.

(5) Game fish must be taken only by hook and single line or single rod in hand or within immediate control. This does not prevent, however:

(a) the snagging of paddlefish, chinook salmon, and kokanee (sockeye salmon) when the commission declares an open season when paddlefish, chinook salmon, and kokanee (sockeye salmon) may be taken by snagging;

(b) the taking of paddlefish, channel catfish, and nongame fish with longbow and arrow, under rules and regulations that the commission prescribes;

(c) the taking of game fish pursuant to subsection (3);

(d) the use of landing net or gaff to land a game fish after the game fish has been hooked as specified in this subsection (5);

(e) the taking of minnows other than game fish variety by the use or aid of a net not to exceed 12 feet in length and 4 feet in width in waters designated by the commission;

(f) the taking of whitefish by nets or traps in the Kootenai River and in its tributary streams within 1 mile of the Kootenai River, under the rules and regulations that the commission prescribes;

(g) the taking of any game fish through a hole in ice with an unattended line or rod as long as the angler is in the vicinity and within visual contact of the line or rod; ~~or~~

(h) the taking of salmon and lake trout in Fort Peck reservoir by spear or gig from December through March, under rules and regulations prescribed by the commission; or

(i) the taking of salmon on Lake Koocanusa through use of a second rod within immediate control, under rules and regulations prescribed by the commission, which may include a \$20 fee for the use of a second rod. Any fees collected pursuant to this subsection (5)(i) must be used by the department for the management of bull trout to enable delisting of the bull trout in the Montana portion of the Kootenai River.

(6) The commission may designate waters where authorized commercial fishing operators may use approved nets, seines, and traps to fish for designated species of nongame fish."

2 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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